

DOCKET NO: 239390US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOORU SUINO, ET AL. : EXAMINER: BAYAT, ALI
SERIAL NO: 10/600,333 :
FILED: JUNE 23, 2003 : GROUP ART UNIT: 2624
FOR: IMAGE DECODING TECHNIQUE :
FOR SUPPRESSING TILE BOUNDARY
DISTORTION

RESPONSE TO RESTRICTION REQUIREMENT
PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated March 30, 2007, Applicants provisionally elect, with traverse, Species B, identified in the outstanding Office Action as corresponding to Figure 19, for further examination on the merits. Applicants identify Claims 35-64, 92-121, and 139-168 as readable on the elected species. In addition, Applicants respectfully submit that independent Claims 18, 75, and 122 should also be examined, since Claims 35-64, 92-121, and 139-168, depend from Claims 18, 75, and 122, respectively. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants note that the outstanding Office Action does not identify separate search classifications. Moreover, Applicants respectfully submit that the identified species are part of an overlapping search area. Additionally, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Thus, Applicants respectfully request that the requirement to elect a single species be withdrawn, and that an examination on the merits of Claims 1-172 be conducted. However, if the present Election Requirement is not withdrawn, examination on the merits of the Claims 18, 35-64, 75, 92-121, 122, and 139-168 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

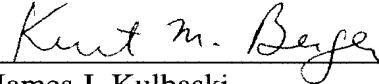
Respectfully submitted,

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